

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF THE MICHIGAN
BRICKLAYERS AND ALLIED
CRAFTWORKERS HEALTH CARE FUND, et
al.,

Plaintiffs,

v.

Case No. 08-CV-12793

OSKEY BROS. CONSTRUCTION CO., INC.,
and BRADLEY OSKEY,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFFS' "MOTION TO STRIKE THE
ANSWER OF DEFENDANT OSKEY BROS. CONSTRUCTION CO., INC." AND
REQUIRING REPRESENTATION BY COUNSEL**

Before the court is Plaintiffs' "Motion to Strike the Answer of Defendant Oskey Bros. Construction Co., Inc." The only answer filed in this matter was on behalf of both Defendant Oskey Bros. Construction Co., Inc. ("Oskey Bros.") and Defendant Bradley Oskey. [Dkt. #5.] This answer is signed by Oskey as president of Oskey Bros. (*Id.*)

Ordinarily, parties are permitted to proceed either personally or by counsel. "It has been the law for the better part of two centuries[, however,] . . . that a corporation may appear in federal courts only through licensed counsel." *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 201-02 (1993) (dictum) (citing *Osborn v. President of the Bank of United States*, 9 Wheat. 738, 829 (1824)). Thus, a corporation cannot properly be "represented" in court by its owners, officers or anyone else who is not an attorney

admitted to practice.¹ See 28 U.S.C. § 1654; *Doherty v. Am. Motors Corp.*, 728 F.2d 334, 340 (6th Cir. 1984) (“The rule of this circuit is that a corporation cannot appear in federal court except through an attorney.”); *Ginger v. Cohn*, 426 F.2d 1385, 1386 (6th Cir. 1970) (“An officer of a corporation, who is not a licensed attorney, is not authorized to make an appearance in this Court on behalf of the corporation.”); *United States v. 9.19 Acres of Land, More or Less, Situate in Marquette County, Mich.*, 416 F.2d 1244, 1245 (6th Cir. 1969) (“The United States District Court was clearly correct in ruling that a corporate president may not represent his corporation before a federal court.”).

Accordingly, IT IS ORDERED that Plaintiffs’ “Motion to Strike the Answer of Defendant Oskey Bros. Construction Co., Inc” is GRANTED, and Defendant Oskey Bros.’s July 24, 2008 “Answer,” [Dkt. #5], is STRICKEN from the record.

IT IS FURTHER ORDERED that Defendant Oskey Bros. shall, on or before **October 10, 2008**, obtain counsel and have counsel file an appearance with the court. Defendant Oskey Bros. is cautioned that failure to cause such an appearance on or before **October 10, 2008**, could result in a default judgment being entered against it.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2008

¹ In order to practice law before the bench of the Eastern District of Michigan, an attorney must be admitted to the district. See E.D. Mich. LR 83.20. “Practice” includes signing a paper. E.D. Mich. LR 83.20(a)(1). *Pro hac vice* admission is not recognized by this district. E.D. Mich. LR 83.20(c)(1).

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 22, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522